IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 5TH MARCH, 2007 / 14TH PHALGUNA 1928

WA.No. 202 of 2007
(AGAINST THE JUDGEMENT IN WPC.31119/2006 dtd. 6.12.2006)
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APPELLANTS/PETITIONERS:
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1. DR. P.NAGARAJ,
   ANJALI, MATERNITY & NURSING HOME,
   MAIN ROAD, BADIADKA, PERDALA, KASARGOD.

2. INDIAN MEDICAL ASSOCIATION,
   KERALA BRANCH, REPRESENTED BY ITS SECRETARY
   DR. R.RAMESH, RESIDING AT DEEPANJALI,
   P.O.THIRUVANGAD, THALASSERY, KANNUR DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS/RESPONDENTS:
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1. SECRETARY TO GOVERNMENT,
   HEALTH & FAMILY WELFARE DEPARTMENT,
   GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. DRUGS CONTROLLER OF KERALA,
   THIRUVANANTHAPURAM.

3. DISTRICT SUPERINTENDENT OF POLICE,
   KASARGOD.

4. DR. SREENIDHI SARALAYA,
   SECRETARY, NATIONAL INTEGRATED MEDICAL
   ASSOCIATION, KASARGOD DISTRICT BRANCH,
   RESIDING AT SREENIDHI HOUSE, BADIYADUKKA,
   NEW PERADALA, KASARGOD DISTRICT.

R1 TO R3 BY SR. GOVT.PLEADER SMT.K.MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN,Ag.C.J & M.N.KRISHNAN,J.

W.A.NO. 202 OF 2007

Dated this the 5th day of March, 2007

J U D G M E N T

Radhakrishnan, Ag.C.J.

The Indian Medical Association (Kerala Branch) and a medical practitioner in the allopathy system of medicines had approached this Court by way of writ petition (No. 31119 of 2006) seeking a direction to respondents 1 to 3 to take appropriate steps to prevent the fourth respondent from practising modern scientific medicine (Allopathy). They had also sought for a declaration that the fourth respondent and the members of the National Integrated Medical Association are entitled to practise in modern scientific medicine (Allopathy) in view of the statutory provisions contained in the Indian Medical Council Act, 1956 and the Indian Medicine Central Council Act, 1970.

2. On instructions, the learned Government Pleader made available a report, after conducting a thorough enquiry. In the report, it is stated that the fourth

respondent is practising only in Ayurveda medicine and his wife is an Allopathy Doctor and a Gynaecologist. It is also stated that the fourth respondent is prescribing the medicines as per the conditions of the Drugs Controller.

3. In view of the report, we find no error in the judgment of the learned Single Judge. The writ appeal is dismissed.

K.S.RADHAKRISHNAN,
Acting Chief Justice

M.N.KRISHNAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007